

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE  
LITIGATION

---

THIS DOCUMENT RELATES TO  
01-CV-12257-PBS AND 01-CV-339

---

)  
) MDL No. 1456  
)

) CIVIL ACTION: 01-CV-12257-PBS  
)

) Judge Patti B. Saris  
)

) Chief Magistrate Judge Marianne B. Bowler  
)

**[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION TO COMPEL  
PRODUCTION OF DEFENDANTS' CORRESPONDENCE  
WITH PUTATIVE CLASS MEMBERS**

THIS MATTER is before the Court on Plaintiffs' Motion to Compel Production of Defendants' Correspondence with Putative Class Members. The Court, having considered all pleadings in support and in opposition thereto, and being fully advised in the premises, hereby

GRANTS Plaintiffs' motion. Defendants must produce all written communications that they have had with any putative class member in connection with this litigation since the litigation began, including correspondence related to the subpoenas that Defendants have served in this litigation.

IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Hon. Marianne B. Bowler  
Chief Magistrate Judge

**CERTIFICATE OF SERVICE**

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing **[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION TO COMPEL PRODUCTION OF DEFENDANTS' CORRESPONDENCE WITH PUTATIVE CLASS MEMBERS** to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on October 1, 2004, a copy to Verilaw Technologies for Posting and notification to all parties

By /s/ Steve W. Berman  
Steve W. Berman  
**HAGENS BERMAN LLP**  
1301 Fifth Avenue, Suite 2900  
Seattle, WA 98101  
(206) 623-7292